

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40cdh/229147	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/000762	International filing date (day/month/year) 29.01.2004	Priority date (day/month/year) 07.02.2003
International Patent Classification (IPC) or national classification and IPC F15B 1/02		
Applicant HYDAC SYSTEM GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000762

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000762

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	8-10	YES
	Claims	1-6	NO
Inventive step (IS)	Claims	8-10	YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: US 6 167 701 B1 (QUINN PATRICK ET AL) 2
January 2001 (2001-01-02)

D2: EP 0 482 248 A (KOBE STEEL LTD) 29 April 1992
(1992-04-29)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

D1 discloses (the references in parentheses are to this document):

Cushioning device for at least one drive part (16) that is to be cushioned, said part being hydraulically connectable to an accumulator device (42) serving the cushioning system by a first valve unit (48) and hydraulically connectable to a

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>tank connection (40) by a second valve unit (38), wherein a pressure compensation device (54) is provided which, when actuated, adjusts the prevailing hydraulic pressure in the drive part (16) and the accumulator device (42) to produce a common pressure level.</p>
2.1	<p>D2 (see, in particular, column 5, line 50 to column 8, line 23 and figure 1) likewise discloses a device with the features of claim 1.</p>
3	<p>DEPENDENT CLAIMS</p>
3.1	<p>Dependent claims 2-7 do not appear to contain any additional features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step. The reasons are:</p>
3.2	<p>Claims 2-6: the subject matter of claims 2-6 is not novel (PCT Article 33(2)): see D1, in particular column 1, line 66 to column 3, line 32 and figure 1.</p>
3.3	<p>Claim 7: the subject matter of claim 7 does not involve an inventive step (PCT Article 33(3)): dependent claim 7 pertains to a minor structural modification of the device according to claim 6 of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable. Consequently,</p>

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

the subject matter of claim 7 does not involve an inventive step.

- 3.4 The combination of features in dependent claim 8 is neither known from nor suggested by the available prior art. The reasons are:

- 3.5 D1, which is considered to represent the closest prior art, discloses (the references in parentheses are to this document):

Cushioning device as claimed, wherein the inlet side of the pressure balance (54) is connected to the outlet side of the first valve unit (48).

The subject matter of claim 8 differs therefrom in that:

the outlet side of the pressure balance is connected to a third valve unit whose outlet is connected to the tank connection.

- 3.6 The problem addressed by the present invention may therefore be considered that of briefly opening a third valve unit before actuating the cushioning system to enable pressure to be released from the hydraulic accumulator, thereby adjusting the pressure therein to the current pressure on the piston side of the working cylinder.

- 3.7 Since none of the documents cited in the search report or acknowledged in the introductory part of

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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the description indicates the features of dependent claim 8 in their entirety, the subject matter of claim 8 is novel and involves an inventive step (PCT Article 33(2) and (3)).

4 INDUSTRIAL APPLICABILITY

The subject matter of claims 1-10 can be made and used and is therefore industrially applicable.